

Remarks/Arguments

35 U.S.C. § 112

The Office rejected claim 35 for failing to meet the written description requirement of section 112. The applicant disagrees because support for the rejected claim is contained in a provisional application to which the present application claims priority. Specifically, the provisional application states: "If there is no match within a specified tolerance, then a message is returned indicating this situation, and the user is advised to try to re-image under better conditions (better lighting, closer range, etc.)."

35 U.S.C. § 102

The Office rejected claims 31-34 and 36-47 as being anticipated by Cambier et al. (U.S. Patent No. 6532298) (Cambier). The applicant respectfully disagrees for the reasons articulated below.

"Anticipation under 35 USC § 102 requires the disclosure in a single piece of prior art of each and every limitation of a claimed invention..." *Rockwell International Corp. v. United States*, 147 F.3d 1358, 1363, 47 USPQ2d 1027, 1031 (Fed. Cir. 1998), (emphasis added). Cambier teaches a handheld device that captures iris images and transmits those images to a receiver where they are compared to a database of iris images. Cambier fails to disclose a service that associates (a) an object within the image with (b) an information address. First, there is no object within the image of an iris or iris template. Second, the examiner directs the applicant to column 6, lines 12-14 to find association of an object with an information address. Lines 12-14 state, "If the user is authorized, the cellular provider enables the call placement at step 185 or the user is provided access to the vehicle or other asset." Presumably, the examiner is equating the information address with an authorization code that enables access to the asset. In Cambier, the authorization code is the information itself, not the address or location where the information can be found. Simply stated, the authorization code is not used by the cellular provider to retrieve an item of information.

Since Cambier does not disclose an information address, it follows that Cambier also fails to disclose utilization of an address to retrieve an item of information. For this claim element, the examiner looks to column 6, lines 9-12 of Cambier. Again, this portion of Cambier does not teach or disclose the claimed element. Lines 9-12 state that the cellular provider compares templates or codes of authorized subscribers to the template sent to the provider. Not only is there no address with which to use to retrieve an item of information, it is the telephony device that expressly carries out this function in claim 31, not the distal service (i.e. the cellular provider, as described in Cambier, Column 6, Lines 9-12)."

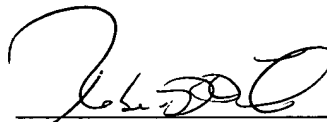
Based on the failure of Cambier to disclose each and every limitation of independent claim 31, claim 31 and all of its dependencies are in condition for allowance.

Respectfully submitted,

Rutan & Tucker, LLP

Dated: September 16, 2004

By: _____



Robert D. Fish
Reg. No. 33,880

Attorneys for Applicant(s)
Post Office Box 1950
Costa Mesa, CA 92628-1950
Tel: (714) 641-5100
Fax: (714) 546-9035